

EXHIBIT 12

Pagonakis vs. Express, LLC, aka Limited Brands, Inc. 03-29-07

Rosie Rock

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IN THE UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE

PAULA PAGONAKIS,

Plaintiff,

VS.

EXPRESS, LLC., A/K/A
LIMITED BRANDS, INC.,

Defendant.

Case No.
06-027-SLR

VIDEOGRAPHIC TELEPHONIC DEPOSITION OF

ROSIE ROCK

Taken at the offices of
VORYS, SATER, SEYMOUR & PEASE, LLP
52 East Gay Street
Columbus, Ohio 43216-1008

on March 29, 2007, at 9:00 a.m.

Reported by: Rhonda Lawrence, RPR/CRR

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<p style="text-align: center;">Page 54</p> <p>1 learned from our other HR representative was 2 that Anna Klancic was using race as a 3 decision – as a hiring decision for certain 4 stores in her location, which is against our 5 policy.</p> <p>6 Q. For certain stores. Okay. And is 7 that – do you know anything else, or is 8 that all that you know?</p> <p>9 A. That -- that's the extent of it, 10 yes.</p> <p>11 Q. Okay. And do you know whether the 12 company would have kept a personnel file for 13 Ms. Klančic?</p> <p>14 A. I don't know for certain, no.</p> <p>15 Q. But if it did, that would have been 16 kept in a regional office?</p> <p>17 A. Yes, it would have been.</p> <p>18 Q. And do you know what Ms. Klancic's 19 title was when she left the company?</p> <p>20 A. District manager.</p> <p>21 Q. And as a district manager, what 22 would her – who would she report to?</p> <p>23 A. She would report then to the 24 regional manager.</p>	<p style="text-align: center;">Page 56</p> <p>1 who would that be in human resources, 2 what – what job title?</p> <p>3 A. She would work with the HR manager.</p> <p>4 Q. And would that be – today, let's 5 say –</p> <p>6 A. Uh-huh.</p> <p>7 Q. – if – if I were a district 8 manager, would you be one of the HR managers 9 that I would discuss this with?</p> <p>10 A. Yes, I would be.</p> <p>11 Q. Okay. So you yourself in your role 12 as a, I guess, field or zone HR manager, 13 deal with these kinds of issues?</p> <p>14 A. It is under my realm of 15 responsibility, yes. I have never 16 personally dealt with it, though.</p> <p>17 Q. Okay. And do you know who the HR 18 manager was at the time that Paula Pagonakis 19 requested her accommodation?</p> <p>20 A. I've -- I've heard through a company 21 representative that it was Tara Kessler.</p> <p>22 Q. Okay. So if Anna Klancic was the 23 district manager at the time Paula Pagonakis 24 had her issue with an accommodation, and</p>
<p style="text-align: center;">Page 55</p> <p>1 Q. And do you know who the regional 2 manager was at – at the time of her 3 departure?</p> <p>4 A. No, I don't.</p> <p>5 Q. Okay. And I think from what you 6 told me before, a regional manager would 7 report to a zone VP?</p> <p>8 A. Yes.</p> <p>9 Q. Okay. Now, as a district manager, 10 would Ms. Klancic have any role in – would 11 she – should she have any role in any – if 12 an associate within her umbrella had an 13 issue with a – an accommodation in the 14 workplace, is that something that 15 Ms. Klancic as a district manager would be 16 made aware of?</p> <p>17 A. Yes.</p> <p>18 Q. Okay. And what would her role be 19 in – with regard to that issue?</p> <p>20 A. Her role would be to work with human resource – human resources to determine if the accommodation could be met.</p> <p>21 Q. And when you say work with human resources, would that be – well, I guess,</p>	<p style="text-align: center;">Page 57</p> <p>1 Tara Kessler was the relevant HR manager, 2 then Tara and Anna would have been the ones 3 to make the decision?</p> <p>4 A. Well, they would have taken 5 partnership. So the HR manager would have 6 partnered with the HR vice president, the 7 director and the VP, and with our general 8 counsel if necessary.</p> <p>9 Q. Okay. And what would the role of HR 10 direct be, if any, in all of this?</p> <p>11 A. Well, when the per – when the 12 associate would first come to us for a need 13 of accommodation, we -- we first and 14 foremost send them to HR direct, because 15 we – the information that we get in the 16 brand as a human resource manager is just 17 what the accommodation needs are, not why. 18 That's only given to HR direct. So then HR 19 direct communicates to us what the – the 20 necessary accommodations are and then we 21 work with our partners to determine then if 22 we can accommodate that.</p> <p>23 Q. Okay. Okay. All right. If you can 24 just hold on for one second.</p>

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1 A. No, sir, I do not know.	1 personal capacity why Ms. Kessler left the
2 Q. Okay. Do you know an individual by 3 the name of Anna Klancic?	2 company?
4 A. No, I do not.	3 A. No.
5 Q. Okay. So you wouldn't know the 6 circumstances surrounding her departure from 7 Express?	4 Q. Okay. Now, with regard to Anna 5 Klancic, I believe you stated you do not 6 know why she left the company?
8 A. No.	7 A. I know why she left the company 8 based off of our computer system which I 9 looked up.
9 MR. CAMPBELL: Jason, this was a 10 topic as to it, so she's investigated but 11 she doesn't have personal knowledge.	10 Q. Okay.
12 A. No, I do not.	11 A. And that was a termination based off 12 of a policy violation.
13 MR. EHRENBERG: Dave, can you repeat 14 that, I –	13 MR. CAMPBELL: And – and, Jason, 14 she further investigated that, but is this 15 subject to a protective order?
15 MR. CAMPBELL: This was a topic and 16 so she investigated the reasons why Anna 17 Klancic was let go and can testify to those 18 based as a company representative. She does 19 not have personal knowledge because she was 20 not involved in it.	16 MR. EHRENBERG: Everything is 17 subject to a protective order.
21 MR. EHRENBERG: Right. I'm – I'm 22 asking her, and she just said she doesn't 23 know.	18 MR. CAMPBELL: Okay. Because I 19 don't want to discuss specific reasons for 20 another employee's discharge and have it – 21 have it out there not subject to a 22 protective order.
24 MR. CAMPBELL: Okay. Well, she –	23 MR. EHRENBERG: No. And we'd be 24 happy to enter into (indiscernible).
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1 she now understands the role. You're asking 2 her about she believed is her personal 3 knowledge. If you want to ask her as a 4 company rep, she can answer that because she 5 did investigate it.	1 MR. CAMPBELL: Okay. And she can go 2 into the – the specifics from what she 3 learned through discussions with other HR 4 representatives at the time. She wasn't 5 involved. But she can talk – talk in 6 generalities as to that, subject to the 7 protective order.
6 MR. EHRENBERG: And the other 7 questions that I asked?	8 BY MR. EHRENBERG:
8 MR. CAMPBELL: Jason, there is a 9 specific topic, the reasons defendant 10 terminated Anna Klancic –	9 Q. I believe, Ms. Rock, you said that 10 the termination was based on –
11 MR. EHRENBERG: (Indiscernible) 12 Dave, before you answer, I'm – I'm going to 13 ask the witness again before we get to 14 Ms. Klancic whether she knows why Kristin 15 Bosley left the company.	11 A. Policy violation.
16 A. Kristin Bosley, no, I do not.	12 Q. And do you know approximately when 13 Ms. Klancic left the company?
17 Q. And you don't know in your capacity 18 as a corporate representative?	14 A. I do not.
19 A. No.	15 Q. Okay. And can you tell me from what 16 you've learned what the circumstance – 17 well, strike that.
20 Q. Okay. And the same would hold true 21 for Tara Kessler?	18 Do you know what the policy 19 violation was?
22 A. Correct.	20 A. No.
23 Q. Okay. And I'm not asking you to 24 tell me the reason, but do you know in your	21 Q. Okay. From your discussions with 22 other people at the company, do you know 23 anything more than what you've told me?
	24 A. Yes, sir, I do. What – what I

14 (Pages 50 to 53)